

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON WILSON,

Debtor.

ATC DRIVETRAIN TENNESSEE CORP.,

Garnishee.

Case No. 1:22-MC-00149-JLT-SKO

**FINAL ORDER OF CONTINUING
GARNISHMENT**

Criminal Case No. 1:14-CR-00187-DAD-BAM

On October 18, 2022, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Jason Wilson's ("Debtor") non-exempt disposable earnings to satisfy the remaining balance of restitution and the balance of the litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECFs 6 and 7. The United States served the Writ and related documents on ATC Drivetrain Tennessee Corp. ("Garnishee") and Debtor. ECFs 2 and 3.

On December 7, 2022, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 9. In its Answer, Garnishee stated that Debtor is an employee of Garnishee and pays earnings to Debtor. Id. Debtor did not file a claim of

1 exemption to the proposed garnishment or request a hearing, did not object to Garnishee's Answer, and
2 did not otherwise object to the United States' garnishment action.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on January 12, 2023, the Magistrate
4 Judge issued findings and recommendations that recommended that the United States' request for final
5 order of garnishment be granted and ordered that any objections were due within 14 days after service.
6 ECF 13. The United States served the findings and recommendations on Debtor on January 17, 2023.
7 ECF 14. Debtor did not object and the time to do so has passed.

8 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the
9 case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and
10 recommendations are supported by the record and by proper analysis.

11 Accordingly, IT IS HEREBY ORDERED THAT:

12 1. The Findings and Recommendations for Final Order of Continuing Garnishment (ECF
13 13) are ADOPTED IN FULL;

14 2. Garnishee ATC Drivetrain Tennessee Corp. is directed to pay the Clerk of the United
15 States District Court the amount of non-exempt disposable earnings, including, but not limited to wages,
16 earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of
17 this Final Order of Garnishment. Payment shall be made in the form of a check, money order, or
18 company draft, made payable to the "Clerk of the Court" and delivered to:

19 Office of the Clerk
20 501 I St., Rm. 4-200
Sacramento, CA 95814

21 The criminal docket number (1:14-CR-00187-DAD-BAM) shall be stated on the payment
22 instrument;

23 3. Garnishee ATC Drivetrain Tennessee Corp. is directed to pay the Clerk of the United
24 States District Court twenty-five percent (25%) of Jason Wilson's ongoing and non-exempt disposable
25 earnings, including, but not limited to wages, earnings, commissions, and bonuses, until the Judgment is
26 paid in full;

27 4. Garnishee ATC Drivetrain Tennessee Corp. is directed, after the Judgment balance is
28 paid in full, to pay to the United States twenty-five (25%) of Jason Wilson's ongoing and non-exempt

1 disposable earnings, including, but not limited to, wages, earnings, commissions, and bonuses, until the
2 litigation surcharge is paid in full;

3 5. The United States shall notify Garnishee ATC Drivetrain Tennessee Corp, when the
4 Judgment balance is paid in full, and provide payment instructions for payment of the litigation
5 surcharge;

6 6. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
7 case, if necessary; and

8 7. The garnishment shall terminate when (1) the United States seeks to terminate the writ or
9 (2) when the judgment balance and litigation surcharge are fully satisfied.

10
11 IT IS SO ORDERED.

12 Dated: **March 6, 2023**


UNITED STATES DISTRICT JUDGE